

REMARKS**I. INTRODUCTION**

Claims 1-11 were previously canceled and claims 18-20, and 34-35 have now been canceled. Claims 12, 17 and 28-33 have been amended. No new matter has been added. Thus, claims 12-17 and 21-33 remain pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 101 REJECTIONS SHOULD BE WITHDRAWN

The Examiner has rejected claims 17-20, 28-33 and 35 under 35 U.S.C. § 101 as directed toward non-statutory subject matter. (See 7/27/04 Office Action, ¶ 5). The Examiner stated that independent claim 17 had no application in the technical arts. Accordingly, Applicants have amended claim 17 to conform with the requirements of § 101. Specifically, claim 17 now recites, "[a] computer readable storage medium storing a set of instructions that are executable by a processor, the set of instructions performing the steps of..." Claims 18-20 and 35 have been canceled, and claims 28-33 have been amended to conform with the amendment made to claim 17. Therefore, it is respectfully submitted that independent claim 17 and the claims which depend therefrom (28-33) recite statutory subject matter under § 101, and the rejections of these claims should be withdrawn.

III. THE 35 U.S.C. § 102(b) REJECTIONS SHOULD BE WITHDRAWN

The Examiner has rejected claims 12-15, 17-20, 27 and 34-35 under 35 U.S.C. §

102(b) as anticipated by U.S. Patent 5,848,399 to Burke ("the Burke patent"). (See 7/27/04 Office Action, ¶ 7).

The Burke patent describes a system for generating images representative of a store shelf which consists of a retail space management system for generating information describing product and shelf size and locations in three dimensions. (See the Burke patent, Abstract). The system generates a graphical image of a floor plan of a particular store chosen by a user and displays the image on a television. (Id. at col. 7, lines 8-10; 49-52). The user then selects a product category from the floor plan, and in response, a model of a shelf is created with a plurality of products thereon. (Id. at col. 7, lines 59-65). Upon selecting the product for purchase, an image of the product is removed from the shelf and placed in an image of a shopping cart. (Id. at col. 9, line 63 - col. 10, line 18). The user also has the option of viewing ingredients of the product, whereby "[a] close-up view of the ingredients for the packaged product is then displayed..." (Id. at col. 10, lines 24-25). On a cereal box, for example, an image of a side face which shows the ingredients is presented to the user. (Id. at col. 10, lines 31-34).

Claim 12 of the present invention recites a system to present a virtual representation of at least one product for purchase by a user of the system which includes "a visual sub-system, functionally coupled to said memory and defining a three-dimensional display area, that simulates said image for said user such that a three-dimensional visual representation of said product appears in said display area." According to the present specification of the present invention, a visual sub-system 210 comprises a dome 213 which "defines a physical space for [a] projected image [of a product] and helps the illusion that a physical object is inside." (See Specification, p. 10, lines 21-22). The visual sub-system 210 may further include a background 214 which "blocks out background distractions and creates the illusion that the image is an object inside the dome 213." (Id. at p. 10, lines 23-25). Therefore, the visual sub-system recited in claim 12 provides a three-dimensional visual representation of the product in a specific three-dimensional display area.

In contrast, the Burke patent discloses only that “[d]igitized images are stored for each important packaging faces. For example, front, back and side faces are typically stored for boxed packages, whereas the top and bottom box faces typically need not be stored.” (See the Burke patent, col. 3, lines 58-62). As such, “the product may be rotated about an axis...throughout a range of 360°.” (Id. at col. 11, lines 7-10). Thus, the Burke patent displays the important packaging faces to the user on the television. (Id. at col. 7, lines 1-3). A television is not a three-dimensional display area. Furthermore, the product in the Burke patent is only disclosed and shown as rotating about a vertical axis. This is in keeping with the disclosure, because, as stated above, the top and bottom box faces are not stored. The Burke patent does not disclose displaying anything other than product packaging. According to the present invention, the user may view *the product* in any orientation in the three dimensional display area. Therefore, it is respectfully submitted that the Burke patent neither discloses nor suggests “a three-dimensional display area, that simulates said image for said user such that a three-dimensional visual representation of said product appears in said display area,” as recited in claim 12. Thus, the Examiner should withdraw the rejection of this claim and the claims depending therefrom (claims 13-15 and 27).

Independent claim 17 includes substantially the same limitation as claim 12. Specifically, claim 17 recites, “displaying the three-dimensional visual representation of the product in a three-dimensional display area.” Thus, for the same reasons described above with reference to claim 12, claim 17 should also be allowable.

IV. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

The Examiner has rejected claim 16 under 35 U.S.C. § 103(a) as unpatentable over the Burke patent in view of U.S. Patent 6,658,464 to Reisman (“the Reisman patent”). (See

7/27/04 Office Action, ¶ 10).

It is respectfully submitted that the Reisman patent does not cure the above-stated deficiencies of the Burke patent. Because claim 16 depends from, and therefore, includes all of the limitations of claim 12, it is respectfully submitted that claim 16 is allowable at least for the reasons stated above with regard to claim 12.

The Examiner has rejected claims 21-26 and 28-33 under 35 U.S.C. § 103(a) as unpatentable over the Burke patent in view of the Reisman patent and U.S. Patent 5,590,062 to Nagamitsu ("the Nagamitsu patent"). (See 7/27/04 Office Action, ¶ 11).

It is respectfully submitted that neither the Reisman patent nor the Nagamitsu patent, either alone or in combination, cures the above-stated deficiencies of the Burke patent. Because claims 28-33 depend from, and therefore, include the limitations of claims 17, it is respectfully submitted that claims 28-33 are allowable at least for the reasons stated above with regard to claim 17.

V. CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, and an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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By: 
Greg F Kaplun (Reg. No. 48,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Tel: (212) 619-6000
Fax: (212) 619-0276